

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

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**INFORMATIONAL NOTICE REGARDING ADVERSARY PROCEEDINGS**

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The summons and complaint must be served upon the interested parties within fourteen (14) days of the date on the summons. Service of the summons and complaint and proof of service should be done pursuant to Fed.R.Bankr.P. Rule 7004. If the debtor is the defendant, you must also serve the debtor's attorney in addition to the debtor/defendant.

If an answer is filed, the disposition of this matter can only be effectuated by a stipulation executed by both parties or an Order signed by the Bankruptcy Judge. The original must be submitted to the Court.

If the debtor is a defendant, even if the debtor fails to file a timely answer, judgment by default must be sought by Notice of Motion and Motion for Entry of Default Judgment in accordance with Rule 55, made applicable by Fed.R.Bankr.P. Rule 7055 [See: In re Emmerling, B.R. 1997 WL 998674 (Bankr.2nd Cir.1997)]. **In Rochester**, motions for judgment by default may be returnable on a regularly scheduled motion calendar at 9:00 a.m. **In Buffalo**, please contact the Judge's secretary for a motion for judgment by default date.

**This notice is provided for informational purposes only and the recipient should comply with the applicable Federal Rules of Bankruptcy Procedure and any Local Rules.**

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